IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.5648 of 2005

Between:

Vellaanki Nagabhushana Rao, s/o Venkata Krishna Rao, 62 years,
Kesturibaipet ,Vijayawada, Krishna District.

...PETITIONER

AND

1. The Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority, Vijayawada rep.by its Vice Chairman.

2. The Planning Officer, The Vijayawada, Guntur, Tenali Mangalagiri Urban Development Authority, Vijayawada.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in proposing the demolition of the structures of Apartment of situated in R.S.No.539/1 of Gollapudi Village, Ibrahimpatnam Mandal, Krishna District without passing any order under section 42 (1) (ii) of A.P. Urban Areas (Development) Act, 1975 is arbitrary and illegal.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondents: MR.P.M.GOPALA RAO

The Court at the admission stage made the following:

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.5648 of 2005

ORDER:

The petitioner was served with a notice dated 17.12.2004 issued by the second respondent herein under Section 42 (1) of the A.P.Urban Areas (Development) Act, 1975 ('the Act' for short) calling upon the petitioner to show cause as to why action should not be initiated, alleging that the petitioner has taken up the constructions in violation of the provisions of the Act.

The petitioner states that he has submitted an explanation on 14.02.2005 but so far no final orders have been passed by the respondents. The petitioner alleges that while keeping the matter pending, the officials of the respondents are taking steps to demolish the structures in question highhandedly. Hence, this Writ Petition.

Having heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents to consider the explanation dated 14.02.2005 submitted by the petitioner and to pass appropriate orders in accordance with law, if not already passed, as expeditiously as possible, preferably within a

period of two weeks from the date of receipt of a copy of this order. Till such orders are passed, the respondents are directed not to demolish the structures in question.

With the above observations, the Writ Petition is disposed of.

-

-

-

(G.ROHINI, J)

18th March 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Vice Chairman, The Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority, Vijayawada.
2. The Planning Officer, The Vijayawada, Guntur, Tenali Mangalagiri Urban Development Authority, Vijayawada.
3. Two CD copies.